

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

VICTOR NUTTER

Petitioner,

v.

Civil Action No. 2:16-1527

PATRICK A. MIRANDY, Warden,
St. Mary's Correctional Center,

Respondent.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, filed on January 12, 2017, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by any party to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

It is therefore ORDERED as follows:

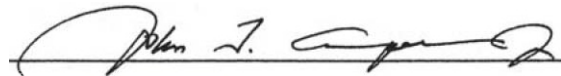
1. Respondent's motion to dismiss be, and it hereby is, granted;
2. Petitioner's petition for a Writ of Habeas Corpus be, and

it hereby is, denied; and

3. This case be, and it hereby is, dismissed from the docket of the court.

The Clerk is directed to forward copies of this written opinion and order to plaintiff, all counsel of record and the United States Magistrate Judge.

DATED: February 7, 2017

A handwritten signature in dark ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge